

THE DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION  
ADVISORY PANEL FOR ATLANTIC BILLFISH

STATEMENT OF ORGANIZATION, PRACTICES AND PROCEDURES

*Revised November 1, 2001*

The National Marine Fisheries Service hereby publishes a Statement of Organization, Practices and Procedures (SOPP) for the Advisory Panel (AP) for Atlantic Billfish, created under section 302 (g)(4) of the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA), 16 U.S.C. 1801 et seq.

I. LEGAL AUTHORITY AND JURISDICTION

The Advisory Panel for Atlantic billfish (Blue Marlin, *Makaira nigricans*; White Marlin, *Tetrapturus albidus*; Sailfish, *Istiophorus platypterus*; Longbill Spearfish, *Tetrapturus pfluegeri*) was created under section 302 (g)(4) of the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA), 16 U.S.C. 1801 et seq. The Advisory Panel's area of concern includes the directed and incidental fisheries which interact with billfish in the Atlantic Ocean, Gulf of Mexico, and Caribbean Sea.

II. PURPOSE AND FUNCTIONS

The primary purpose of the AP is to advise and assist the Secretary of Commerce (Secretary) in the collection and evaluation of information relevant to any modification to the Amendment to the Billfish Fishery Management Plan (FMP). The Billfish AP shall evaluate future management options for Atlantic billfish. Members of the billfish AP may serve as members of other AP's concurrent with or following their service on the billfish AP.

The AP shall participate in all aspects of any consideration for, or modification to, the Amendment to the Billfish FMP (April 1999).

III. COMPOSITION AND ORGANIZATION

The advisory panel for the Atlantic billfish fisheries is to comprise at least eight (8) non-federal representatives, as well as five (5) representatives of the fishery management councils, and twenty-two (22) state participants.

The panel is composed of representatives with definable interests in the commercial and recreational fishing communities, the environmental community, academia, and

governmental entities. Of the eight non-federal voting members of the AP, four (4) are representatives of the recreational fisheries for Atlantic HMS, one (1) represents commercial fisheries for whom billfish is an incidental catch or bycatch, one (1) represents the environmental organizations active in the conservation and management of Atlantic billfish, and one (1) represents the academic community, and one (1) is a representative of the U.S. Advisory Committee to the International Commission for the Conservation of Atlantic Tunas (ICCAT). These representatives must have demonstrated experience in the fisheries, related industries, research, teaching, writing and conservation and management of Atlantic highly migratory pelagic species including billfish. The distribution of representation among the interested parties reflects the varying levels of activity in the fishery and is consistent with the criteria set forth in the Magnuson-Stevens Act (section 302 (g)(4)).

The five (5) additional members of the AP include one voting representative each of the New England Fishery Management Council, the Mid-Atlantic Fishery Management Council, the South Atlantic Fishery Management Council, the Gulf of Mexico Fishery Management Council, and the Caribbean Fishery Management Council. The AP also includes twenty-two (22) non-voting members: twenty (20) representatives of the constituent states, two (2) representatives of the constituent interstate commissions; the Atlantic States Marine Fisheries Commission and the Gulf States Marine Fisheries Commission.

At least three (3) federal representatives who specialize in the conservation and management of Atlantic HMS including billfish will work regularly with the panel: one (1) or more representatives of the Highly Migratory Species Division of the Office of Sustainable Fisheries of the National Marine Fisheries Service (NMFS), one (1) or more representatives of the Office of the General Counsel for Fisheries of the National Oceanic and Atmospheric Administration (NOAA), and one (1) or more scientists from the staff of NMFS.

Member tenure will be for two years, with one half of the terms expiring on the last day of each calendar year. Current terms for existing posts all expire on December 31, 2001. Appointments in January 2002, will be for one, or two years apportioned equally among the posts for the expiring terms. Posts for terms of one or two years tenure will be randomly selected.

Panel members will serve at the discretion of the Secretary. If unable to attend an AP meeting, members may send a designee who may vote for them and participate in the activities of the AP. In order to preserve the statutorily-required balance of representation, designees must receive written approval of the Assistant Administrator for Fisheries at least two (2) weeks in advance of AP meetings. Written notification must include the name, address, telephone, e-mail, and position of the individual designated. A designee may not name another designee. Alternatively, panel members may submit to the Assistant Administrator for Fisheries, in advance, a list of several individuals who may act as designee, provided the list clearly specifies who

would serve if more than one designee attends. Absence by a panel member or their approved designees for more than two consecutive meetings may constitute grounds for termination of the appointment. Members serve until reappointed or replaced. Vacant posts may be filled by the Assistant Administrator for Fisheries for the remainder of the unexpired term.

A Chair may be elected to represent the views of the AP to the NMFS. A professional mediator may be contracted to facilitate the AP meetings.

#### IV. MEETINGS

The AP meets at the call of the Highly Migratory Species Division, Office of Sustainable Fisheries, National Marine Fisheries Service. AP members may submit written requests for such meetings. AP meetings will vary in duration and frequency according to the workload.

Location -- AP meetings will occur throughout the area of jurisdiction of the panel. In determining meeting locations NMFS will consider, among other things, ease of transportation for both Panel members and the public, and the cost of holding such meetings. NMFS will attempt to hold meetings in the area in which persons reside who might be immediately affected by actions taken by the panel at that particular meeting. Whenever possible, billfish AP meetings will be held in conjunction with the meetings of other Advisory Panels, as well as any public meeting that might be underway (scoping meetings, public hearings, Council meetings, etc.).

Notice -- NMFS will publish notice of AP meetings in the *Federal Register* at least two weeks prior to the meeting.

Minutes -- NMFS will record meetings on audio or video cassette. In addition, NMFS will keep written minutes of each meeting which will contain a record of the persons present, an accurate description of matters discussed and conclusions reached, and copies of all statements filed.

Conduct -- Generally, *Robert's Rules of Order* will be used in the conduct of meetings. A roll call vote can be requested by a panel member at any time. A majority of the voting members will constitute a quorum but one or more such members designated by the panel may hold hearings. When there is a vote, the majority of the voting members present and voting shall rule.

Panel meetings shall be open to the public. In panel meetings, members shall be heard first on issues under consideration. However, members of the public may submit written comments or statements that will be received and considered by the panel and, to the extent that time allows, oral comments and questions may also be allowed.

Members of the panel who dissent on any issue that is to be recommended to the

Secretary may submit a statement of their reasons for dissent to the Secretary through the NMFS Office of Sustainable Fisheries. If any panel member elects to file a minority report, it will be submitted, to the extent practicable, at the same time as that of the majority.

Closed Meetings -- Although the panel and its meetings are open and receptive to public involvement and participation, the panel by law must close any meeting where classified documents or facts are presented or discussed. Only those panel members and staff with appropriate security clearances and necessary federal employees may attend such sessions closed for national security reasons. Such closed meetings must be announced in the Federal Register.

Scoping Meetings/Public Hearings -- AP members will be requested to participate in scoping meetings and public hearings held in their areas regarding fishery issues and/or proposed management actions that have been generated at AP meetings.

#### V. RECORDKEEPING

NMFS will keep a chronological file of all materials relating to the development of each FMP or FMP amendment. This includes documents reviewed, correspondence, the minutes of meetings relating to such plan or amendment and all statements received at public hearings. This administrative record is available for inspection and copying. The panel will follow NOAA/NMFS guidelines and procedures for disposition of records.

#### VI. ADMINISTRATIVE PROVISIONS

The AP shall report to the Secretary, through the Office of Sustainable Fisheries.

The AP shall have an Executive Secretary who is a full-time Federal officer or other person designated by the Assistant Administrator for Fisheries.

NMFS will provide support staff for the AP. However, NMFS is not obligated to supply any and all requests that may be made by the AP or its individual members. Members of the AP are not compensated for their services or for their travel-related expenses.